

Reichmeyer does not teach, or even suggest, configuring a communication device to implement a communication application, as required by claims 1, 2, 14, and 15. Examples of the claimed communications applications are listed in the specification on page 7, line 4 et seq., and include for example, CDMA wireless communication standards such as IS-95, 3GPP-FDD etc. Thus, the claims are patentable over Reichmeyer for at least this reason.

Further, Reichmeyer also does not teach, or suggest, evaluating a capability of a fixed portion and a programmable portion of hardware, which are capable of operating a plurality of communication applications, for implementing the communication application, as also required by the claims. Reichmeyer has no need for evaluating the hardware before transmitting selected portions of configuration information because it does not transmit selected portions, as also required by the claims. Rather, unlike the claimed invention, Reichmeyer loads all of its configuration information. Thus, the claims are patentable over Reichmeyer for these additional reasons.

Claims 10-13 and 23-26 are directed to a method of varying the quality of service provided to a wireless communication device. The method includes receiving a request for cost of a quality of service option for a wireless communication device, the communication device having a plurality of function blocks with a fixed portion of hardware and a programmable portion of hardware, which are capable of operating a plurality of services. Information regarding the quality of service and its cost to a user is transmitted, and a request to obtain the quality of service at the cost is received from the wireless communication device. Finally, configuration information is transmitted to the communication device to enable it to operate the quality of service. The configuration information is limited to the programmable portion of hardware of the communication device to enable it to operate the communication application.

Kung is directed to a method of billing a variable bit rate communication between a first terminal and a distant terminal to a broadband subscriber. The method permits changing billing parameters during a call in response to user inputs including user requested changes in quality of service, changes in data rate, and changes in preferred service provider.

Like Reichmeyer, Kung does not suggest a communication device having a plurality of function blocks with a fixed portion of hardware and a programmable portion of hardware, which are capable of operating a plurality of communication services, and then limiting transmitted configuration information to the programmable portion of hardware of the communication device. Thus, the claims are patentable over the applied references for at least this reason.

Dependent claims 13 and 26 recite receiving a bid from the user for the quality of service wherein the bid is lower than the cost, and providing the quality of service if resources for the quality of service exist for the price of the bid. In rejecting these claims, the Examiner refers Applicant to various portions of Kung, which merely teach determining a least cost alternative for the user, and then allowing the user to decide whether or not to accept the level of service for the price. Kung does not receive a bid from the user and have the system determine whether it can meet the user's price, and thus claims 13 and 16 are patentable over the applied references for this additional reason.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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